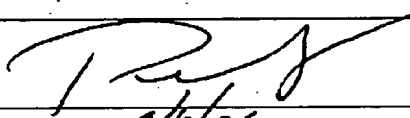


<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/876,504	
	Filing Date	June 7, 2001	
	First Named Inventor	Philip H. Burrus, IV	
	Group Art Unit	3622	
	Examiner Name	Lakstra, Daniel	
Total Number of Pages in this Submission	12	Attorney Docket Number	EN11309


  

ENCLOSURES		(check all that apply)
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input checked="" type="checkbox"/> Credit Card Payment Form
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual	Philip H. Burrus, IV	Registration No.	45,432
Signature			
Date	4/6/06		

CERTIFICATE OF TRANSMITTAL/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to facsimile number <u>571-273-8300</u> or deposited with the United States Postal Service with sufficient postage thereon, as first-class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date listed below:	
Typed or printed name	Philip H. Burrus, IV
Signature	
Date	4/7/06

APR 07 2006

PTO/5B/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional):

EN11309

First named inventor: Philip H. Burrus, IV

Application No.: 09/876,504

Art Unit: 3622

Filed: June 7, 2001

Examiner: Lakstra, Daniel

Title: Electronic Coupon and Customer Data Acquisition Apparatus and Method Therefore

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment in response to Non-Final OA (Identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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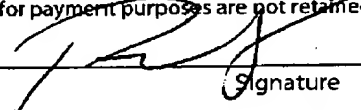
## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature

4/6/2006  
Date

Philip H. Burrus, IV

45,432

Typed or printed name

Registration Number, if applicable

460 Grant Street, SE

404-797-8111

Address

Telephone Number

Atlanta, Georgia 30312

Address

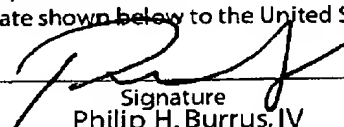
Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Credit Card Payment Form

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

4/7/2006  
Date

  
Signature  
Philip H. Burrus, IV  
Typed or printed name of person signing certificate

U.S.S.N. 09/876,504

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**APR 07 2006**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*Serial No:* 09/876,504  
*Examiner:* Lastra, Daniel  
*Art Group:* 3622  
*Reference No.:* EN11309  
*Appn. Filed:* June 7, 2001  
*Applicants:* Burrus, IV, Philip H.

*Title:* Electronic Coupon and Customer Data Acquisition Apparatus and  
Method Therefore

April 5, 2006

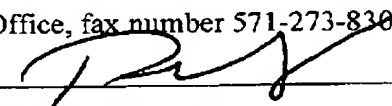
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Box: Amendment

Sir:

This amendment is in response to an Office Action and Notice of Abandonment mailed March 8, 2006. The amendment accompanies a Petition to Revive, along with the corresponding fee. In view of the remarks herein, Applicants respectfully request revival of the application and reconsideration of the pending claims.

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office, fax number 571-273-8300 on April 7, 2006.

Signed Name: 

Printed Name: Philip H. Burrus, IV

U.S.S.N. 09/876,504

**CLAIMS:**

Please amend the claims as follows:

1. (Currently Amended) An electronic savings system, the system comprising:
  - a- a portable electronic device, having unique personal identification data stored therein; and
  - b- a means of transmitting the unique personal identification data to a store; wherein when the store receives the unique personal identification data, a store discount is applied to a plurality of specially marked, store discounted items.
2. (Previously Presented) The system of claim 1, further comprising a simulated credit card swipe coupled to the portable device.
3. (Previously Presented) The system of claim 1, wherein the portable electronic device comprises a cellular telephone, and the unique personal identification data comprises a user's telephone number.
4. (Previously Presented) The system of claim 3 wherein the universal savings system comprises a discount card associated with a particular store.
5. (Canceled)
6. (Currently Amended) A method of acquiring customer data, the method comprising the steps of:
  - a- providing a portable electronic device having unique personal identification data stored within, wherein the portable electronic device comprises a means of transmitting the unique personal identification data;

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- ~~b.~~ providing a store register capable of receiving the unique personal identification data;
  - ~~e.~~ transmitting the unique personal identification data from the portable electronic device to the store register; and
  - ~~d.~~ applying a store discount to the price of a plurality of specially marked, store discounted items upon receipt of the unique personal identification data.
- 7. (Currently Amended) The method of claim 6, further comprising the steps of:
  - ~~a.~~ providing a central computer;
  - ~~b.~~ transmitting the unique personal identification data to the central computer;
  - and
  - ~~e.~~ cross referencing the unique personal identification data with a stored data profile.
- 8. (Currently Amended) The method of claim 7, further comprising the steps of:
  - ~~a.~~ transmitting product data from the store register to the central computer;
  - and
  - ~~b.~~ storing the product data with a cross reference to the unique personal identification data.
- 9. (Original) The method of claim 7, wherein the product data is used for inventory management.
- 10. (Currently Amended) A method of acquiring customer data, the method comprising the steps of:

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- a- providing a store register capable having unique store identification data stored within, wherein the store register comprises a means of transmitting the unique store identification data;
- b- providing a personal electronic device capable of receiving the unique store identification data;
- c- transmitting the unique store identification data from the store register to the portable electronic device; and
- d- discounting a prices of a plurality of all specially marked, store discounted items upon successful transmission of the unique store identification data.

11. (Currently Amended) The method of claim 10, further comprising the steps of:

- a- transmitting the unique store identification data from the personal electronic device to a remote computer;
- b- transmitting customer data from the personal electronic device to a remote computer; and
- c- transmitting product data from the personal electronic device to a remote computer.

12. (Currently Amended) The method of claim 11, further comprising the steps of:

- a- processing the unique store identification data, the customer data and the product data; and
- b- producing a report with the unique store identification data, the customer data and the product data listed in an organized format.

13. (Original) The method of claim 12, wherein the personal electronic device comprises a cellular telephone.

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14. (Original) The method of claim 13, wherein the store register is linked to at least one other store register via a network.
15. (Original) The method of claim 14, further comprising the step of distributing advertising literature based upon the report.
16. (Original) The method of claim 14, further comprising the step of using the report for inventory management.



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**REMARKS – General****Notice of Abandonment:**

The most recent Office Action (OA) included a Notice of Abandonment for failure to respond to an OA mailed June 30, 2005. A Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), along with the required fee, is included with this amendment. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Further, since this utility application was filed after June 8, 1995, it is respectfully submitted that no terminal disclaimer is required.

**Rejections under 35 USC 103:**

The most recent OA rejects claims 1-4 and 6-16 as being unpatentable over Swartz et al., US Pat. No. 6,243,447, hereinafter "Swartz", in view of Applicant's background section of the specification. The basis for the rejection is set forth in the OA. Applicant respectfully traverses this rejection.

In making the traversal, Applicant relies upon MPEP §2143.03, which states, "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that neither Swartz nor Applicant's background section teaches an electronic device for submitting unique personal identification data to a store, wherein when the store receives the unique personal identification data, a store discount is applied to a plurality of specially marked, store discounted items, as Applicant recites in the pending independent claims.

Applicant notes that the background section of Applicant's application as filed discusses a discount card like the Harris-Teeter® VIC® card. Applicant notes that this card is a laminated, plastic, credit card-sized card having a barcode linking a card

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identifier to the customer. To use the card, a customer reaches into his wallet, manually extracts the card, and presents it to the cashier.

Swartz also teaches a manual coupon system. Swartz fails to teach any transfer of savings information from an electronic device. Swartz teaches scanning coupon bar codes "...or other bar coded materials..." for the sole purpose of customers "...mak[ing] their own shopping lists." Swartz, col. 3, lines 34-35. Swartz, however, teaches away from any electronic transfer of savings information. Specifically, Swartz recites a manual process at checkout, where the customer physically hands each coupon to a cashier for entry into the system. For example, Swartz states at col 11., lines 14-18, "The cashier then starts accepting customer's coupons, as shown by the process block 178. After all the coupons have been accepted and entered into the system, the final bill is calculated." Note that this is the cashier accepting the coupons from the customer, not the register or store computer receiving savings information from the electronic device. Swartz fails to teach any electronic transfer of coupon information. This is because the coupons of Swartz are manufacturers' coupons, and must be physically presented for redemption. There is no suggestion in Swartz to discount prices based upon customer identification from an electronic device.

At best, the combination of Swartz and Applicant's background teaches an electronic customer identification device with paper coupons that must be physically presented to a cashier, and then entered one-by-one into a system. Only Applicant's application teaches a system wherein when unique personal identification data is transmitted from an electronic device to a store, a store discount is applied to a plurality of specially marked, store discounted items. Further, there is no teaching, suggestion, or motivation found in either Swartz or Applicant's background section to combine the references in such a manner as to achieve Applicant's invention. The only teaching of such a system is found in Applicant's specification. Applicant notes that prima facie obviousness only exists "...so long as it...does not include knowledge gleaned only from applicant's disclosure..." *In re McLaughlin*, 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971).

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**CONCLUSION**

For the above reasons, Applicants believe the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Applicants believe this application is now in condition for allowance, for which they respectfully submit.

Respectfully submitted,



Philip H. Burrus, IV

Attorney for Applicants

Registration No.: 45,432

404-797-8111

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